

NATIVE AMERICAN CONSTRUCTION, INC.,	)	AGBCA Nos. 2003-152-2
	)	2003-153-2
Appellant	)	2003-154-2
	)	2003-155-2
<b>Representing the Appellant:</b>	)	
	)	
Susan K. Neal, President	)	
Native American Construction, Inc.	)	
P. O. Box 1317	)	
North Fork, California 93643	)	
	)	
<b>Representing the Government:</b>	)	
	)	
Joshua S. Rider, Esquire	)	
Office of the General Counsel	)	
U. S. Department of Agriculture	)	
33 New Montgomery, 17 <sup>th</sup> Floor	)	
San Francisco, California 94105-1924	)	

**DECISION OF THE BOARD OF CONTRACT APPEALS**

**March 15, 2004**

**Opinion for the Board by Administrative Judge POLLACK.**

These appeals arise out of Contract No. 50-9A63-00-IT47-35 Road Realignment, Tahoe National Forest, between Native American Construction, Inc. (Appellant), of North Fork, California, and the U. S. Department of Agriculture, Tahoe National Forest (FS), Nevada City, California. Appellant filed four appeals from a denial of the claims by the Contracting Officer. AGBCA No. 2003-152-2 was a claim for \$15, 254.33 for increased costs for asphalt due to claimed delays by the FS. AGBCA No. 2003-153-2 was a claim for \$6,720 and involved costs associated with clearing and grubbing. AGBCA No. 2003-154-2 was for \$3,132.89 and involved damage to staking caused by allowing trucks to traverse the area too early. AGBCA No. 2003-155-2 was a claim for final payment of \$2,060.

The Board has jurisdiction over these timely-filed appeals pursuant to the Contract Disputes Act of 1978 (CDA), 41 U.S.C. §§ 601-613, as amended.

After a conference on April 11, 2003, the contractor elected to utilize the Board's small claims procedure, the Board then scheduled a hearing in Sacramento, California. 41 U.S.C. § 608; Rule 12.2. Prior to holding the hearing, the parties advised the Board that they would be reaching a settlement. It, however, took some time for the settlement papers to be signed and transmitted to the Board. On December 3, 2003, the parties filed a Request for Dismissal with the Board. The request called for dismissal of the appeals with prejudice.

**DECISION**

The appeals are dismissed with prejudice, pursuant to settlement by the parties.

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**HOWARD A. POLLACK**  
Administrative Judge

**Issued at Washington, D.C.**  
**March 15, 2004**